UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2452	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)	
Office Action Summary		10/789,250	KHANDPUR ET AL.	
		Examiner	Art Unit	
		TAUQIR HUSSAIN	2452	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10 September 2008*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-28* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-28* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *06/11/2008*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1.   This office action is in response to amendment /reconsideration filed on

09/10/2008, the amendment/reconsideration has been considered. Claims 1, 13-27

have been amended and therefore, claims 1-28 are pending for examination, the

rejection cited as stated below.

Response to Arguments

2.   Applicant's arguments, filed 09/10/2008, Applicant's arguments, have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made as cited

below.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-2, 13-14, 19, 25 and 27-28 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Citrano et al (WO 02/39596 A2), hereinafter "Citrano" in view of

Chatani et al. (Pub. No. US 2008/0147862 A1 0194309), hereinafter "Chatani".

5.   As to claims 1, 27 and 28 (method, step and program product), providing a

communications operator with download (Abstract, where file is downloaded from a

remote server to a client over the network);

transmitting data from the remote device to the communications operator for

determining a download capability of the remote device by the communications operator

(Page.2, lines 4-5, where client capabilities are checked prior to downloading); and

Citrano however is silent on disclosing explicitly, automatically selecting one of

the download technologies from the plurality of download technology by the

communications operator to download information to the remote device based upon the

download technology capability of the remote device.

Chatani however discloses, automatically selecting one of the download from the

plurality of download by the communications operator to download information to the

remote device based upon the download capability of the remote device (Chatani,

[0013], where user device capability is determined before selecting automatically a

service level which is equivalent to a download technology of the user device which can

be interpret as communication operator)

Therefore it would have been obvious to one of the ordinary skilled in the art at

the time the invention was made to combine the teachings of Citrano with the teachings

of Chatani in order to provide a content transfer service manager node of a computer

network manages the transfer of content over the network from a content provider node

to a user node. The characteristics of the configuration of the user node are determined,

including the user nodes capabilities with respect to downloading content and

processing downloaded content. The service manager arranges a content transfer that

is particularly suited for the hardware, software, and communication capabilities of the

user node.

6.   As to claims 2 and 14, Citrano and Chatani disclose the invention substantially as

in parent claims 1 and 13 above, including, wherein the step of providing the

communications operator with a plurality of different download technologies comprises

providing at least two of the technologies from a group consisting of BREW distribution

system, JAVA distribution system, MMS, SMS, EMS, and HTTP/WAP browser

downloads (Page.3, lines 12-16, where client/server architecture is using WWW

network which inherently implies using HTTP protocol and further on page.4, lines 11-

13, multimedia files are disclosed which are e.g. sound files, pictures or text).

7.   As to claims 19 and 25, Citrano and Chatani discloses the invention substantially,

including, a mobile communication (Citrano, Page.3, lines 9-11, where wireless device

or PDA is disclosed),

        a transceiver (Citrano, Page.3, lines 9-11, where wireless device or PDA is

disclosed, which inherently will have a transceiver to transmit and receive the

information);

        a memory for storing (Citrano, Page.3, lines 9-11, where inherently PDA will have

a memory to store information); and

        a system for transmitting, by the transceiver, the download technology

capabilities of the mobile communications device, stored in the memory, to a wireless

communications operator (Citrano, Page.3, lines 9-11, where inherently PDA has a transmitting mechanism built in with drivers and software to transmit the data or information).

Citrano however is silent to disclose explicitly, storing download technology capabilities of the mobile communications device.

Coppinger however discloses, storing download technology capabilities of the mobile communications device (Chatani, [0013], where transfer of data to the device is based on the device capability and therefore, preferences are stored in and accessible by software management program).

Therefore it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Citrano with the teachings of Chatani in order to provide a content transfer service manager node of a computer network manages the transfer of content over the network from a content provider node to a user node. The characteristics of the configuration of the user node are determined, including the user nodes capabilities with respect to downloading content and processing downloaded content. The service manager arranges a content transfer that is particularly suited for the hardware, software, and communication capabilities of the user node.

8.   Claims 3-11, 16-17 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Citrano and Chatani in view of Coppinger et al (Pub. No.: US 2001/0046862 A1), hereinafter "Coppinger".

9.   As to claims 3, 16 and 22, Citrano and Chatani disclose the invention substantially as in parent claim 1, 13 and 19 above, including, wherein the step of transmitting data from the remote device to the communications operator comprises transmitting remote device information (Citrano, Fig.2, page.2, lines 4-7, where client's capability is determined before transmitting the data).

Citrano however is silent on disclosing explicitly, "including manufacturer and model of the remote device".

Coppinger however discloses, exchanging device information including manufacturer and model of the device (Coppinger, [0059], where manufacturer and model of device is included while exchanging device information).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Citrano with the teachings of Coppinger in order to provide a system which can register a wireless device; enable the wireless device to execute an application engine; and transferring an application program to the wireless device over the wireless medium or through other direct interfaces. Further, the step of transferring may include receiving an instruction directing transfer of the application program to a plurality of wireless devices including the wireless device; and transferring the application program in turn to the wireless device.

10.   As to claim 4, Citrano, Chatani and Coppinger discloses the invention substantially as in parent claim, including, further comprising storing the remote device information in a memory of the communications operator (Coppinger, [0008], where storing in a memory a record of the identification is disclosed).

11.   As to claim 5, Citrano, Chatani and Coppinger discloses the invention substantially as in parent claim 3 above, including, wherein the data from the remote device to the communications operator comprises terminal download technology capability data comprising available download agents information (Citrano, page.2, lines 4-7, where downloading multimedia in optimal format means there has to be more than one format available).

12.   As to claim 6, Citrano, Chatani and Coppinger discloses the invention substantially as in parent claim 3 above, including, wherein the data from the remote device to the communications operator comprises terminal content format capability (Page.2, lines 4-7, where determining multimedia optimal format is disclosed).

13.   As to claims 7, 20 and 26, Citrano and Chatani disclose the invention substantially as in parent claim 1, 19 and 25 above, however Citrano and Chatani are silent on disclosing explicitly, wherein the remote device comprises a toolkit application and wherein the toolkit application sends download technology capability data which is transmitted to the communications operator in the transmitting data from the remote device to the communications operator.

        Coppinger and Chatani, however discloses, wherein the remote device comprises a toolkit application (Coppinger, [0008], where performing the described steps will require a mechanism which can be interpret as toolkit), and wherein the toolkit application sends download technology capability data which is transmitted to the communications operator in the transmitting data from the remote device to the

communications operator (Coppinger, [0009], where transferring the instruction directing

transfer of the application program to plurality of wireless device for programs execution

between device and server can be interpret as considering the compatibilities between

device and server).

14.   As to claim 8, Citrano, Chatani and Coppinger disclose the invention substantially

as in parent claim 7, including, wherein the download technology capability data sent by

the toolkit application is stored in a memory of the communications operator (Coppinger,

[0008], where device information is stored in the memory).

15.   As to claim 9, Citrano, Chatani and Coppinger disclose the invention substantially

as in parent claim 8, including, wherein the step of automatically selecting is based, at

least partially, on the download technology capability data stored in the memory of the

communications operator (Citrano, Page.3, lines 11-14, where software and hardware

components are considered before sending or receiving files automatically).

16.   As to claims 10 and 17, carry similar limitations as claim 3, 8 and 9 and therefore

is rejected under for same rationale.

17.   As to claim 11, carry similar limitations as claim 3 and therefore is rejected under

for same rationale.

18.   As to claim 21, carry similar limitations as claim 20 above therefore is rejected

under for same rationale, additionally it is well known in the art a wireless devices

having a SIM card in it which contains device specific information along with instructions.

19.   As to claim 23, Citrano, Chatani and Coppinger disclose the invention substantially as in parent claim 19 above including, wherein the download technology capabilities comprise the download agents that are supported in the mobile communications device (Coppinger, [0010], where executions of programs with desired control of the program obviously require the agent negotiations).

20.   As to claim 24, Citrano, Chatani and Coppinger disclose the invention substantially, including, wherein the step of providing the communications operator with a plurality of different download technologies comprises providing at least two of the technologies from a group consisting of BREW distribution system, JAVA distribution system, MMS, SMS, EMS, and HTTP/WAP browser downloads (Coppinger, Page.3, lines 12-16, where client/server architecture is using WWW network which inherently implies using HTTP protocol and further on page.4, lines 11-13, multimedia files are disclosed which are e.g. sound files, pictures or text).

21.   Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Citrano and Chatani in view of Chandhok et al (Pub. No.: US 2004/0267646 A1), hereinafter "Chandhok".

22.   As to claims 12 and 18, Citrano disclose the invention substantially as in parent claims 1 and 13 above, including, automatically sending and receiving files in client server architecture (Citrano, Page.3, lines 11-9).

Citrano and Chatani however are silent on disclosing explicitly, use of at least one parameter selected from a group consisting of support of download agents, user location, wireless communication mode, encryption, speed of delivery and cost of delivery.

Chandhok however discloses the feature of downloading of application which requires encryption key, device ID, cost and other unique data as known in the art (Chandhok, [0031].

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Citrano and Chatani with the teachings of Chandhok in order to provide a system and method that permits accurate and reliable transaction data for third party application sales and services to wireless telecommunication devices across a wireless network, and can provide accurate data sufficient to bill wireless service subscribers for the billable transactions.

23.   Claim 15 is rejected under 35 U.S.C 103(a) as being unpatentable over Citrano and Chatani in view of Warwick et al. (Pub. No.: US 2005/0055572 A1), hereinafter "Warwick".

24.   As to claim 15, Citrano and Chatani discloses the invention substantially as in parent claim 13 above including, determining download capabilities of each wireless receiving device (Citrano, page.3, lines 11-14)

Citrano however is silent on disclosing explicitly, delivery abstraction module.

Warwick however discloses, delivery abstraction module (Warwick, [0012], where target devices preferences are received and obviously stored in abstraction module).

Therefor, it would have been obvious to one to ordinary skilled in the art at the time the invention was made to combine the teachings of Citrano and Chatani with the teachings of Warwick in order to provide an abstraction module, which can enable a common interface that may be used to configure any of the initiators, receives through this common interface an indication that a selected one of the initiators is to be configured to communicate with a selected target device, and retrieves security information from a common database, the database including information that is relevant to configuring security for any of the plurality of initiators.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H. /
Examiner, Art Unit 2152

/Kenny S Lin/

Primary Examiner, Art Unit 2452